COMBINED DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

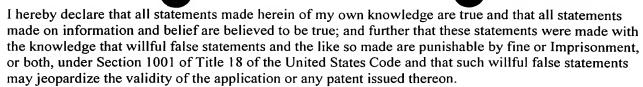
NONHUMAN MODEL ANIMAL SUFFERING FROM GUILLAIN-BARRE SYNDROME

AND/OR FISHER SYNDROME

the specific	cation o	of which				
a.	\boxtimes	is attached hereto				
b.		was filed on applicable).	as application Serial No.	and was amended on . (if		
		PCT FILED APP	LICATION ENTERING N	ATIONAL STAGE		
c.		was described and on October 29, 200		lication No. PCT/JP2003/013958 filed (if any).		
			d understand the contents of tany amendment referred to ab	the above-identified specification, pove.		
I acknowle § 1.56.	edge the	e duty to disclose in	formation which is material to	o patentability as defined in 37 C.F.R.		
	•	he following as the be directed:	correspondence address to wh	nich all communications about this		
SEND COI	RRESP	ONDENCE TO:	[
-OR-	The a	address associated w	vith the Customer Number	27123		
	Addr	ess Shown (see belo	ow)			

DIRECT TELEPHONE CALLS TO:

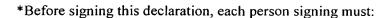
•				ket No. <u>443</u>	9-4032
	§ 365(b) of any PCT internation and also have in such PCT internation	foreign application(s) nal application(s) designal application(s) designational application(s)	ts under Title 35, United of for patent or inventor's gnating at least one court oreign application(s) for filed by me on the same of the application on we	certificate or under § 3 ontry other than the U.S. r patent or inventor's ce e subject matter having	365(a) of any listed below ertificate or a filing date
\boxtimes	The attached 35 this declaration		or priority for the applic	cation(s) listed below for	orms a part of
(Country/PCT	Application Number	Date of filing (day, month, yr)	Date of issue (day, month, yr)	Priority Claimed
Jap	an	2002-315091	29, October, 2002		⊠Y □N
	below.	he benefit under 35 U	.S.C. § 119(e) of any U Date of filing (.S. provisional applicat	ion(s) listed
	9	CONTINUATION	ATEMENTS FOR DIV OR CONTINUATION ION(S) DESIGNATIN	N-IN-PART	
			ted States Code § 120 o cation(s) designating th		olication(s) or
US/P	CT Application Se	rial No. Filing		patented, pending, abar ion no. assigned (For F	
US/P	CT Application Se	rial No. Filing	•	patented, pending, abar ion no. assigned (For F	•
	In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.				



Practitioners associated with the Customer Number OR- Practitioner(s) named below: Name Registration Number Name Registration Number I hereby authorize the U.S. attorneys and/or agents named hereinabove to accept and follow instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Residence: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan	I hereby appoint:					
Practitioner(s) named below:	Practitioners associ	ciated with the Customer N	Number 27123			
Name Registration Number I hereby authorize the U.S. attorneys and/or agents named hereinabove to accept and follow instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Residence: Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan	-OR-					
I hereby authorize the U.S. attorneys and/or agents named hereinabove to accept and follow instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Citizenship: Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Practitioner(s) named below:					
instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Citizenship: Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Nai	me	Registration Number			
instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Citizenship: Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi						
instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Citizenship: Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi						
instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Citizenship: Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi						
instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove. Full name of sole or first inventor: Toshiyuki TAKAI Inventor's signature* Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Citizenship: Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi						
Inventor's signature* Residence: Residence: Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	instructions from as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so					
Residence: Residence: Residence: Date Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Full name of sole or first inventor: <u>Toshiyuki TAKAI</u>					
Residence: Residence: Residence: Dapan Full name of second inventor: Residence: Residence: Akira NAKAMURA Inventor's signature* Residence: Citizenship: Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Inventor's signature*					
Post Office Address: Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi, Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Residence:		Room 506, 18-1, Nakayama, 4-chome Aoba-ku, Sendai-shi,			
Miyagi 981-0952, Japan Full name of second inventor: Akira NAKAMURA Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi Residence: 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Citizenship:	<u>Japan</u>	<u>Japan</u>			
Inventor's signature* Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi Residence: 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Post Office Address:	· · · · · · · · · · · · · · · · · · ·	***************************************			
Date 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi Residence: 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Full name of second inver	ntor: <u>Akira NAKAN</u>	Akira NAKAMURA			
Residence: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan Citizenship: Japan Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi	Inventor's signature*					
Post Office Address: 3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi		989-3204, Japa	3-10, Minamiyoshinari, 1-chome, Aoba-ku, Sendai-shi, Miyagi 989-3204, Japan			
	•		-			
ATTACHED IS ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR		989-3204, Japa	pan			

SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS FORM.

Full name of third inventor:	Syoko SUGAWARA					
Inventor's signature*						
	Date					
Residence:	Room 201, 2-16, Kakyoin, 2-chome Aoba-ku, Sendai-shi, Miyagi 980-0013, Japan					
Citizenship:	<u>Japan</u>					
Post Office Address:	Room 201, 2-16, Kakyoin, 2-chome Aoba-ku, Sendai-shi, Miyagi 980-0013, Japan					
Full name of fourth inventor:	Kaori YAJIMA					
Inventor's signature*						
	Date					
Residence:	3-37, Komegafukuro, 1-chome Aoba-ku, Sendai-shi, Miyagi 980- 0813					
Citizenship:	<u>Japan</u>					
Post Office Address:	3-37, Komegafukuro, 1-chome Aoba-ku, Sendai-shi, Miyagi 980- 0813					
Full name of fifth inventor:						
Inventor's signature*						
Residence:	Date					
Citizenship:						
Post Office Address:						
Full name of sixth inventor:						
Inventor's signature*						
Residence:	Date					
Citizenship:						
Post Office Address:	<u> </u>					



- 1. Review the declaration and verify the correctness of all information therein; and
- 2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

To the inventor(s):

The following are cited in or pertinent to the declaration attached to the accompanying application:

Title 37, Code of Federal Regulation, §1.56

Duty to disclose information material to patentability

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most (a) effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability. A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard,

giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the National or PCT international filing date of the continuation-in-part application.

Title 35, U.S. Code § 101

Inventions patentable

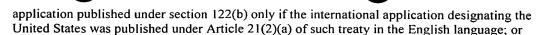
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Title 35 U.S. Code § 102

Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent,
- (b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) The invention was described in--
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national



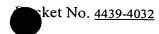
- a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Title 35, U.S. Code § 103

103. Conditions for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- (b) (1) Notwithstanding subsection (a), and upon timely election by the applicant for patent to proceed under this subsection, a biotechnological process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if—
 - (A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date; and
 - (B) the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.
 - (2) A patent issued on a process under paragraph (1)—
 - (A) shall also contain the claims to the composition of matter used in or made by that process, or
 - (B) shall, if such composition of matter is claimed in another patent, be set to expire on the same date as such other patent, notwithstanding section 154.
 - (3) For purposes of paragraph (1), the term "biotechnological process" means-





- (A) a process of genetically altering or otherwise inducing a single- ormulti-celled organism to--
 - (i) express an exogenous nucleotide sequence,
 - (ii) inhibit, eliminate, augment, or alter expression of an endogenous nucleotide sequence, or
 - (iii) express a specific physiological characteristic not naturally associated with said organism;
- (B) cell fusion procedures yielding a cell line that expresses a specific protein, such as a monoclonal antibody; and
- (C) a method of using a product produced by a process defined by subparagraph (A) or (B), or a combination of subparagraphs (A) and (B).
- (c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, U.S. Code § 112 (in part)

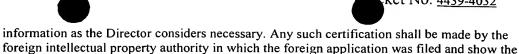
Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Title 35, U.S. Code, § 119

Benefit of earlier filing date in foreign country; right of priority

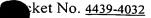
- (a) An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, or in a WTO member country, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.
- (b) (1) No application for patent shall be entitled to this right of priority unless a claim is filed in the Patent and Trademark Office, identifying the foreign application by specifying the application number on that foreign application, the intellectual property authority or country in or for which the application was filed, and the date of filing the application, at such time during the pendency of the application as required by the Director.
 - (2) The Director may consider the failure of the applicant to file a timely claim for priority as a waiver of any such claim. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed claim under this section.
 - (3) The Director may require a certified copy of the original foreign application, specification, and drawings upon which it is based, a translation if not in the English language, and such other



(c) In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority.

date of the application and of the filing of the specification and other papers.

- (d) Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing.
- (e) (1) An application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application. No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application.
 - A provisional application filed under section 111(b) of this title may not be relied upon in any (2) proceeding in the Patent and Trademark Office unless the fee set forth in subparagraph (A) or (C) of section 41(a)(1) of this title has been paid.
 - If the day that is 12 months after the filing date of a provisional application falls on a Saturday, (3) Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day.
- (f) Applications for plant breeder's rights filed in a WTO member country (or in a foreign UPOV Contracting Party) shall have the same effect for the purpose of the right of priority under subsections (a) through (c) of this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents.
- (g) As used in this section--
 - (1) the term "WTO member country" has the same meaning as the term is defined in section 104(b)(2) of this title; and
 - the term "UPOV Contracting Party" means a member of the International Convention for the (2) Protection of New Varieties of Plants.



Title 35, U.S. Code, § 120

Benefit or earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application. No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this section. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section.

Please read carefully before signing the Declaration attached to the accompanying Application. If you have any questions, please contact Morgan & Finnegan, L.L.P.